

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Mondaire Jones, Alessandra Biaggi, Chris Burdick, Stephanie Keegan, Seth Rosen, Shannon Spencer, Kathy Rothschild, Diana M. Woody, Perry Sainati, Robert Golub, Mary Winton Green, Marsie Wallach, Matthew Wallach, Mac Wallach, Carol Sussman, and Rebecca Rieckhoff,
individually, and on behalf of all others similarly situated,

Plaintiffs,

No 20 Civ. 6516 (VM)

v.

United States Postal Service, Louis DeJoy, as Postmaster General of the United States Postal Service, and Donald J. Trump, as President of the United States,

Defendants.

DECLARATION OF MICHAEL L. BARBER

I, Mike Barber, under penalty of perjury and in lieu of affidavit as permitted by 28 U.S.C. § 1746, hereby declare as follows:

1. I have been employed by the United States Postal Service for approximately 29 years and eight months. During that time, I have served in several managerial positions, including plant manager, senior plant manager, and controller. Most recently I have served as Manager, Operations Support for the Southern Area. In that position I managed all mail processing, maintenance, transportation, retail and delivery in the Southern Area, which is composed of 12 postal districts. Effective September 12, 2020, I will be Vice President, Processing & Maintenance Operations.
2. I am familiar with the above-referenced action and plaintiffs' claims therein. This declaration is based on my personal knowledge, as well as information conveyed to me by other knowledgeable Postal Service personnel in the course of my official duties and responsibilities.
3. Mail processing machines are used throughout the nation by the Postal Service to sort and process mail so that mail entered into the system in, for example, Tampa, can be processed and delivered, for example, in Seattle. Several kinds of machines are used, such as Delivery Barcode Sorters (DBCS), which process letter mail, and Automated Flat Sorting Machines (AFSM), which process flat mail (e.g., periodicals and document-sized mail that is larger than a letter).
4. Postal Service Headquarters Processing Operations continually monitors real-time data reflecting machine utilization and performance at processing plants throughout the nation. We are able to obtain this data because the machines themselves are all connected to a Postal Service network and report data on an ongoing basis about their

performance, utilization, and excess capacity. Processing Operations also performs analyses of past reported data (e.g., I might review data for the past two weeks) to look at trends and determine how we can make Postal Service operations more efficient. The data my staff and I review includes information showing the degree to which the plants' machines are used. Among the reasons for reviewing the data is to assess the machines' utilization. For example, if there were a sufficient volume of mail in a plant to keep the machines running and processing at the machines' maximum capacity, then the plants' machine utilization would be 100 percent.

5. Due primarily to the large decline in mail volume over the past decade, we have more machines than are needed to process the mail, even for our peak mailing season at Christmas. Based on this data, and making sure to model our projections based on anticipated volume at peak periods, we periodically formulate equipment plans. In 2020, before Postmaster DeJoy took office, Headquarters had created a processing equipment reduction plan for the year.
6. At the present time, even taking into account the mail processing machines that were removed or disconnected previously this year as part of our planned equipment reduction, mail processing machine utilization at the national level ranges from 35 percent (when mail volume on a given day is low) to 65 percent (when mail volume on a given day is at its highest). In other words, machines have a range from 35 percent to 65 percent unused capacity. Based on our knowledge and monitoring of current machine utilization and performance data, I am confident that even if every eligible voter in the United States chose to vote by mail for the November general election, we would still have excess machine processing capacity to handle the

increase in volume. In addition, because we monitor real-time equipment data continually, we can spot any issues with machines that may be approaching peak utilization, and if we identify any such machines, we proactively reach out to area management to discuss the situation. Our operations are nimble enough to be able to quickly address and remedy any machine processing capacity issue, should one arise.

7. The Postal Service has been reducing the number of mail processing machines for many years due to underutilization throughout the system, which we have observed based on our monitoring and analysis of machine utilization and performance data. As part of this year's data-based plan to reduce equipment, approximately 700 machines were reduced, consistent with our normal practices. When removing a machine from a plant, the machine is first turned off or disconnected from electrical power, and ultimately dismantled and removed from the plant. Often parts from the removed machine are added to a remaining machine to increase the remaining machine's capacity to process mail, which gives us extra processing capacity while saving space and personnel resources needed to operate and maintain multiple redundant machines, which can then be used for other functions. When Postmaster General DeJoy ordered us to halt all removals in August, some machines had been fully removed and disassembled (and some of their parts may have been put into other machines), some may have been partially disassembled, and others may have been moved off facility floors to other locations. To preserve the status quo in accordance with the Postmaster General's instructions, we directed facility personnel to leave all machines where they were and in the condition they were in when the Postmaster General issued his direction.

8. After a machine is disconnected, but before it is dismantled, if local managers want to put the machine back in service, it is longstanding Postal Service protocol that the manager must receive permission from Postal Headquarters to do so. The authorization process requires that requests pass through multiple levels of review. Postal Service mail processing equipment is a national asset. We perform this due diligence to ensure that the best decisions are made with respect to this asset management. Requests are received by my office, and if I agree with local managers' recommendations that the machine should be returned to service, I then present the reasons to David Williams, Chief Logistics & Processing Operations Officer and Executive Vice President, who makes the final decision. This procedure of seeking approval from Headquarters has been in place both before and after Postmaster General DeJoy took office.
9. By way of example, as part of our planned equipment reduction this year, an AFSM (flat mail sorter) machine in Gainesville, Florida, was slated to be removed, and at the time when the instruction came to pause all removals, the machine had been disconnected but was still in the facility. That facility had multiple flat sorters, and our data analysis showed that the facility needed only one. When the second flat sorter was disconnected, our ongoing data monitoring showed that the remaining machine was operating at 85 percent capacity, which, based on our experience and familiarity with processing machine utilization, is within a comfortable margin for a single machine. Gainesville management asked, however, to reconnect the other machine, partly because of the fact that all flat mail forwarded through Florida goes through Gainesville. Although it may not have been strictly necessary to do so based

on the data, out of an abundance of caution, and in part out of consideration for the upcoming election, I recommended that the second machine be reconnected. Mr. Williams approved the request. Since the second machine has been reconnected, it runs at a very low utilization (25 percent) rate, and the first machine generally now runs at about 65-70 percent utilization (that facility is now also handling more mail because we redirected mail from a Louisville, Kentucky facility).

10. After Postmaster General DeJoy ordered that all equipment reduction activity be stopped, I had meetings within my department and with my staff to ensure that all areas and regions understood that they were to maintain the status quo with respect to all mail processing equipment. In late August, Kevin Couch, who is the Director, Maintenance Operations, informed me that our real-time data suggested that some facilities may have turned on or reconnected machines that had been part of our previously planned reduction efforts this year. I have asked Kevin Couch and other regional executives to examine the circumstances of these reconnections, primarily because it is important for Headquarters to verify that messages are properly communicated to the field and improve message penetration if necessary. Regardless of what we learn, we will not direct facility personnel to disconnect any reconnected machines or refrain from using any reconnected machines prior to the election.
11. The Postal Service has not scheduled any facility closings or consolidations for any time during Fiscal Year 2020 or for the first quarter of Fiscal Year 2021 (October 1, 2020 through December 31, 2020). For years, Postal Service Headquarters has monitored its nationwide operations to ensure that it processes and delivers mail timely in accordance with service standards and is doing so in a cost-efficient manner.

As operations change over time, the Postal Service may consider a reorganization of processing and distribution facilities through closure and consolidation, where it determines that such a reorganization will allow the Postal Service to operate in a more timely and efficient manner. The decision to close a facility or consolidate facilities, however, is made only after a great deal of planning and is scheduled only after extended study and compliance with all necessary law and procedures. See Postal Service Handbook PO-408, Area Mail Processing Guidelines at <https://about.usps.com/handbooks/po408.pdf>.

I declare that the foregoing is true and correct to the best of my knowledge, information, and belief.

A handwritten signature in blue ink, appearing to read "Mike L. Barber", is written over a horizontal line.

Mike L. Barber

Executed on the 8 day of September, 2020